

Defense finishes presenting its case in Nichols' state trial - Jurors expected to begin deliberations next week

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McALESTER- The defense at Terry Nichols' state murder trial ended Thursday after his attorneys complained the judge "crippled ... our effort to show that Mr. Nichols was the 'fall guy.'"

Jurors heard from 96 defense witnesses over 11 days and were given 270 defense exhibits.

Nichols chose not to testify. He denies involvement in the April 19, 1995, attack on the Oklahoma City federal building.

Nichols, 49, contends executed bomber Timothy McVeigh recruited others, and they set him up to take the blame. Almost 20 of his witnesses testified about seeing McVeigh with another man in Kansas or downtown Oklahoma City in the days before or on the morning of the explosion.

The final defense exhibit was a letter McVeigh left for survivalist Steven Colbern on an electrical tower in the California desert. The letter was found instead by a lineman Nov. 30, 1994.

"If you are sincere, then you could be a valued asset. A man with nothing left to lose is a very dangerous man, and his energies/anger can be focused towards a common/righteous goal," McVeigh wrote.

"What I am asking you to do, then, is sit back and be honest with yourself. Do you have kids/wife? Would you back out at the last minute to care for the family?" he wrote. "In short, I'm not looking for talkers; I'm looking for FIGHTERS."

Defense effort blocked

Defense attorneys argued again Thursday they should have been allowed to blame the bombing on a group of white supremacist bank robbers and residents of Elohim City, a separatist religious community in eastern Oklahoma.

"The evidence we would have presented shows that the Midwest bank robbers and individuals in Elohim City had the means, motive and opportunity to commit the bombing," attorneys wrote. "Circumstantial evidence shows McVeigh reached out to them and was linked to them both ideologically and in fact."

Judge Steven Taylor barred such evidence April 21, ruling there was nothing connecting the alternative suspects to any overt act of the bombing.

The defense witnesses Thursday included a former federal Drug Enforcement Administration agent.

The ex-agent, Kevin Waters, testified he "can say for sure" he saw McVeigh and another man in McVeigh's car outside the Alfred P. Murrah Federal Building about 9:30 p.m. the night before the bombing.

Prosecutors doubt his account, in part because he did not say anything to the FBI for four months. Even then, prosecutors noted, he did not say he'd seen McVeigh, according to the FBI report.

Waters said he did not realize what he witnessed earlier because of the effect of seeing dead bodies and the rest of the tragedy. He called the FBI report inaccurate.

Jurors are now in the midst of testimony from rebuttal witnesses called by the prosecution.

The judge plans to have closing arguments Monday afternoon and Tuesday. Jurors could begin deliberations Tuesday evening.

The rebuttal witnesses Thursday included Billy Holdson of Denver, who was driving a Ryder truck in downtown Oklahoma City the day before and the morning of the bombing. Holdson was working on bank signs. Prosecutors suggest defense witnesses may have confused his truck with the Ryder truck driven by McVeigh.

Nichols was convicted at a federal trial of the bombing conspiracy and the involuntary manslaughter of eight federal agents. His state case focuses on the 160 other fatalities, as well as an unborn girl.

Caption:
(page 1A): Terry Nichols